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United States Department of Labor

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SETH D. HARRIS, Acting Secretary of ) Case No.: 1:13-cv-01802-NJV  
Labor, United States Department of )  
Labor, ) Hon. Nandor J. Vadas

Plaintiff,

v.

MAINSTAY BUSINESS )  
SOLUTIONS, a federally-authorized )  
division of Blue Lake Rancheria )  
Economic Development Corporation, )  
BLUE LAKE RANCHERIA )  
ECONOMIC DEVELOPMENT )  
CORPORATION, BLUE LAKE )  
RANCHERIA, a federally-recognized )  
Indian Tribe, and ERIC RAMOS, an )  
individual, )

Defendants.

**STIPULATION FOR ENTRY OF  
ORDER GRANTING WRIT OF  
GARNISHMENT AND ORDER OF  
DISPOSITION**

**GARNISHEE:  
BANK OF THE WEST**

Plaintiff, SETH D. HARRIS, Acting Secretary of Labor, United States  
Department of Labor (the "Secretary") and Defendant MAINSTAY BUSINESS  
SOLUTIONS ("Mainstay"), pursuant to the Federal Debt Collection Procedures  
Act of 1990, 28 U.S.C. 3205, enter into this Stipulation for Entry of Order

1 Granting Writ of Garnishment and Order of Disposition under 28 U.S.C. §  
2 3205(c)(7) with reference to the following facts:

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4 RECITALS

5 A. Defendant Mainstay is indebted to the United States Department of  
6 Labor due to failure to pay wages to employees pursuant to the Fair Labor  
7 Standards Act of 1938, as amended. The back wages due were reduced to a  
8 judgment by this Court on May 30, 2013, in the amount of \$57,088.53. The  
9 current balance sought through garnishment on this obligation is \$30,000.00,  
10 consisting totally of principal.

11 B. The Secretary has demanded payment of the amount due from  
12 Defendant Mainstay.

13 C. Defendant Mainstay acknowledges its right to request a hearing on a  
14 writ of garnishment under 28 U.S.C. § 3202(b), to object to any answer filed by the  
15 garnishee, and to claim exemptions, and agrees to waive those rights for the  
16 purpose of this stipulation.

17 D. Garnishee Bank of the West has possession of property in which the  
18 Defendant Mainstay has a substantial nonexempt interest.

19 E. Garnishee's name and address is:

20 Bank of the West  
21 295 Bush Street  
22 San Francisco, California 94104  
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STIPULATION

Based on the foregoing, the Secretary and Defendant Mainstay STIPULATE and AGREE that:

1. Defendant Mainstay waives service of an application for a writ of garnishment pursuant to 28 U.S.C. § 3205, and further waives its right to a hearing under 28 U.S.C. § 3205.
2. Defendant Mainstay waives its right to object to the garnishment and to claim the money taken as garnishment as exempt.
3. The Clerk of Court may issue a writ of garnishment directed to Bank of the West.
4. The writ of garnishment shall direct garnishee Bank of the West to pay the United States Department of Labor Wage and Hour Division \$30,000.00.

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5. The order approving this stipulation shall also serve as an order of disposition under 28 U.S.C. § 3205(c)(7) directing the garnishee to pay the garnished sums to the Secretary of Labor.

SO STIPULATED

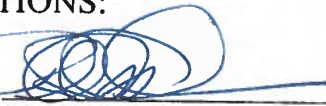
Defendant Mainstay Business Solutions hereby stipulates on this 5th day of June, 2013.

Dated: June 6, 2013

M. PATRICIA SMITH  
Solicitor of Labor

FOR MAINSTAY BUSINESS SOLUTIONS:

JANET M. HEROLD  
Regional Solicitor

Name: 



Title: Attorney for Defendant  
Mainstay Business  
Solutions

DAVID M. KAHN  
Counsel for Employment Standards

Attorneys for U.S. Department of Labor